

ORDINANCE NO. 11-895

AN ORDINANCE TO AMEND THE ZONING ORDINANCES OF THE
CITY OF HUNTSVILLE, ALABAMA

The public welfare requiring it, and under authority granted by Section 11-52-78 of the 1975 *Code of Alabama*, **BE IT ORDAINED** by the City Council for the City of Huntsville, Alabama, that the Zoning Ordinance of the City of Huntsville, Alabama, as adopted on the 21st day of March 1963, as amended, is hereby further amended as follows:

Section 1. Amend ARTICLE 75 - ALCOHOLIC BEVERAGE ESTABLISHMENT REGULATIONS, to amend Section 75.3 - Permitted Establishments by Districts, by amending subsection 75.3.2 General Business C-3 District; subsection 75.3.3 Highway Business C-4 District; subsection 75.3.4 Commercial Recreation C-5 and Commercial Industrial Park Districts; subsection 75.3.5 Light Industry, Research Park Commercial and Airport Commercial Districts; and subsection 75.3.6 Heavy Industry District; to add the following use:

Banquet halls.

and amending Section 75.4 - Accessory Uses, by adding new subsection 75.4.2 Special Retailers to read as follows:

75.4.2 Special Retailers:

- 1) For the purposes of this section the following words, terms, and phrases shall have the following meanings:

Banquet hall means an organization whose primary use of its premises is not the sale of alcoholic beverages but is to provide facilities, which may include services and staffing, for private-only gatherings or events; provided that no person connected with the banquet hall, which includes its owner, officer, director, member, landlord, manager, servant, agent, or employee, or those that otherwise have a controlling or pecuniary interest in the premises or the establishment, shall sponsor, conduct, organize, or host gatherings or events at the banquet hall.

Cultural venue means an organization whose primary use of its premises is not for the sale of alcoholic beverages but is to hold or sponsor: (1) live performances of serious artistic merit, such as theatrical plays, dramatic readings, operas, concerts, dances, ballets, or dramatic performances; or (2) showings of representational or visual works of serious artistic merit, such as paintings, sculptures, and photographs; or other activities of serious artistic, literary, or cultural merit.

- 2) Special Retailers shall be allowed only as accessory uses to those primary permitted uses that include state parks, racing commissions, fair authorities, airport authorities, civic center authorities, museums, and other such organizations created by state or local governments; and shall include the franchises or concessionaires thereof.
- 3) Special Retailers shall be allowed only by special exception as accessory uses to banquet halls or cultural venues.

Section 2. Amend ARTICLE 92 - BOARD OF ADJUSTMENT, to amend Section 92.5 - Powers and Duties, subsection 92.5.3 - Permitted Uses as Special Exceptions by adding new subsection 92.5.3(33) to read as follows:

- (33) Special Retailers as an accessory use to banquet halls or cultural venues where such uses are permitted in Neighborhood Business C-1, Neighborhood Business C-2, General Business C-3, Highway Business C-4, Commercial Recreation C-5, Light Industry, Heavy Industry, Commercial Industrial Park and Research Park Commercial districts provided all of the following conditions are met in addition to any other conditions that may be imposed by the Board of Adjustment:
 - (a) The Special Retail license is available only to organizations.
 - (b) Approval shall be for the licensee only and for the current license year only.
 - (c) The licensee shall notify all residents within five hundred (500) feet by certified mail of the request at least two weeks prior to the date of the Board of Adjustment meeting.
 - (d) The Special Retail license is only for scheduled events and shall not constitute the primary use of the property.
 - (e) In Neighborhood Business C-1 and Neighborhood Business C-2 Districts only: there shall be no outdoor entertainment.
 - (f) The Special Retail license, along with a listing of all conditions prescribed by the Board of Adjustment, must be clearly posted in a conspicuous location.

- (g) The Board of Adjustment shall have no authority to grant variances to the preceding conditions (a) through (f).

Section 3. This ordinance shall take effect from and after the date of its publication.

ORDINANCE NO. 11-

ADOPTED this the _____ day of _____, 2012.

President of the City Council of
the City of Huntsville, Alabama

APPROVED this the _____ day of _____, 2012.

Mayor of the City of Huntsville,
Alabama